

## BLACKBIRDERS' LIBEL.

MEN WHO HAVE BEEN THERE  
TESTIFY TO THE FACTS.Laborers Threatened and Shot  
Down by the Lunas.Details of Living and Conditions in  
Guatemala.

The case of libel brought by "Captain" Ferguson against the editor of the ADVERTISER came up Friday morning in the District Court.

Judge Robertson read a decision overruling the motion for the discharge of the defendant.

MR. JOHNSTONE sworn: Have no power to stop the publication of the ADVERTISER; have no control over its publication; nobody interferes with me in discharging my editorial duties; had a conversation with Ferguson; told him that as I considered all such articles might be untrue, had insisted that it should be inserted over the name of the writer; after talking with Cloy, had decided he was a responsible person; Captain Ferguson, in repeating the conversation, had left out the auxiliary verb "might."

Cross-examination: Have charge of the newspaper department; order in or out all matter for publication; nobody has ever interfered with me; I generally revise articles and read the proof; sometimes these latter are read by the reporter or foreman.

Re-direct examination: Mr. Whitney is the ultimate authority; whenever I have doubts I consult with him; he has ultimate authority as to the publication of the paper.

ANTONE CLOY, sworn: Have been staying at the St. Louis lodging-house. When I returned, on August 12th, heard Paul Neumann and Charles Creighton had made inquiry for me as a Portuguese. I had been out bicycle riding. I am an American, born in Utah; went to Guatemala in 1888; peddled goods there; have traveled over the country; was in the country three years; found lots of swamps and fever there; have had the fever myself; the fever is called the moria fever; the Guatemala planters have the fever.

Judge ROBERTSON ordered witness to testify to any facts he had heard concerning the country from the planters.

CLOY, (continuing): All Europeans are subject to the fever and do not stand it as well as the natives; I saw their houses on one plantation; used corrugated iron roofs; it rains heavily there; some houses are wooden below the roof; the wind can blow through them; the laborers sleep on mats; eat beans and dried salt meat; there are lunas or captains; they go armed as all in authority do; was in San Jose when South Sea Islanders arrived; they looked a curious lot; any one who can afford it carries a revolver; it is the custom; there are few Chinese in Guatemala city; the Indians work but will not work under contract; plantation hands eat cakes, beans and dried beef; have ridden through the swamps, my mule would sink to the girth; the money there is poor tempo dollars and other foreign coins are in circulation; dollars were worth 50 to 55 cents when I was there; native Indians do not like to contract; contract laborers are scarce but desired; sometimes violence and force is used in making them work; they are threatened they will be shot if they don't work; I have heard such threats made when I was peddling among them; they hate Gringos [Americans]; had seen natives threatened to be shot; contract laborer told me the fellow who threatened to shoot him would do so without much provocation if he didn't go to work; have no personal malice in making my statements; it is the common remark in San Jose "there goes the fellow who traffics in human flesh."

Cross-examination: Arrived here in middle of May; was here the year before; in June; was here three months; had no occupation, but paid for all I got; worked three days on Discovery for a sailor; resided at Fowler's Yard; left on the British ship Palmas for Port Townsend; went from there to Portland, Oregon; thence to San Francisco; returned to Guatemala in latter part of 1892; came up on the steamer Colima; was bound for San Francisco; spent Christmas day at sea; this was after we left Panama; was ashore two or three hours at San Jose; had lived there before from 1887 to 1890 or thereabouts; was at San Jose when steamer Monserrat arrived.

To Judge Robertson: Made trip to Colima in 1892; if I said San Juan I meant the steamer Colima.

Cross-examination continued: Conversing with people who were discharging the south sea Islanders; never saw them on the plantations; Indians sign for a month only; the only one whom I talked to about it was the contract laborer who told me the luna would shoot him; the plantations were twenty to thirty miles inland; I slept on a mat with thirty laborers; I never saw anybody shot by lunas; the climate is warmer than here; have eaten beans and beef with the laborers; do not know if the plantations gave out rations; the Monserrat was at anchor when the landing was made; the Australian dock laborers told me the blackbirds were looking out for the boss who brought them into trouble; don't know if Ferguson saw

them; he told me they were looking for the boss and that it would go hard with him if they found him; many others thought the same; have worked at the Chinese theatre; was on Maui; attempted to run a roulette game there; was arrested but not fined; had a similar game in Guatemala; two native policemen arrested me; I did not have enough money to offer the kanakas; nobody asked me to write the letter to the ADVERTISER.

To JUDGE ROBERTSON: I made two trips to San Jose in Palmas and Colima.

A. J. ANDERSON, sworn: Have been in Guatemala; been there at different times; am acquainted with the country; was in Reathuallo and Guatemala in last March; am a machinist; know the country; there are low and high lands; there is plenty of swampy land; traveled through swamps for thirty-two leagues; took me sixteen days; the guide said the road would get better, but it got worse; much fever there; have had it; was thankful to get out alive; have visited plantations; some houses are but four posts with straw roofs; some are adobe; some are corrugated iron; some are 300 feet long; one building had 150 men sleeping on a floor; there were no bunks nor partitions; corrugated iron is used all over the country; some have wooden bunks; some parts of the country are all right; other parts are not two feet over the sea level; have seen the food; bare corn cakes and dried meat; I have eaten the beans and dried beef, and was glad to get them; they have nothing else to eat in that country; the rule is for lunas and others in authority to carry revolvers in that country; they carry also belts of ammunition; have seen revolvers used in disturbances; have seen lunas shoot laborers in the legs to stop a row; they generally carry a revolver and a long knife; all carry knives to protect themselves; poor tempo dollars are worth from 40 to 52 cents; other coins are used, and paper also; have seen gold; the customary coin is silver and paper.

Cross-examination: I do not know the altitude of Santa Anna plantation, but can give the latitude; I think it is 2000 feet high; I left there in last March; was there two months; was there before in 1885; do not know if all the laborers are contracted; there are Chinese laborers at Guatemala.

BEN MASON sworn: Have been in Guatemala; have been there twice; was there seven months ago last; the first time I had shaggers fever; I worked on a railway; have been in Honolulu off and on thirteen years, and eight different times; was in Guatemala from May to October last time; have traveled there; was there when the Monserrat arrived at San Jose; coffee grows from about 200 to 250 feet elevation; there were some 400 blackbirds on the Monserrat; I fitted out the engine that took them away; last October I fitted out a coffee mill at an elevation of less than 1500 feet; the laborers are mostly Indians; the plantations are owned mostly by foreigners; the lunas are a numerous, scoundrelly lot; have read the statements of Cloy; some of the laborers are hired by the day and some are shipped; their rations are corn and beef; the houses are of corrugated iron and adobe and iron, lumber and iron, and adobe with grass roofs; the sleepy act was where the luna pretended to be asleep; sometimes he would drop his face in his hands and watch the laborers through his fingers; if they tried to escape the luna would raise his gun and fire upon them; the nation of the country was a bloodthirsty race; he described the savage howlings of the people at a bull fight; the more the blood spurted the more they howled; swamps are mostly on the Atlantic side.

Cross-examination: The last time I was there I worked four and one-half months; I fitted up engine No. 5 to carry the Monserrat blackbirds inland; it was supposed they were to go to work at Livingstone, on the railway being constructed by the government; I saw them; have seen the contract laborers after they had been shot by the lunas, and have seen the dead bodies when still warm; have seen five that were killed within seven months; I saw them at Reathuallo, twenty-five miles inland; saw three of them that were killed in one day; these men were killed at different plantations near Reathuallo in last September; Henry Hart is the manager of a plantation, and was one of the men who employs contract laborers; I put up a mill at Reathuallo; the plantations surround the town; it was said the blackbirds were to go to work at Livingstone; I don't know that they were employed at all; contract laborers are such as are hired from the government, others were Indians; they are generally contracted for three or four months; there are thirty or more plantations within five miles of Reathuallo; I know where the Union saloon is; I have been there; (to Mr. Neumann) you have been there; we have all been there; I know Mr. Robert French; I was there on August 15th; did not tell French that it was a matter of dollars and cents with me to hush me up on this matter.

Re-direct examination: Did not know I was to be a witness; was spoken to by a German; his name was Von something; do not remember it now; met him on the street; saw Mr. Johnstone afterwards; he asked me to be interviewed for the ADVERTISER.

H. CLARKSON CLOUD, sworn for the prosecution in rebuttal; was at Guatemala from 1884 to 1891; have been through all the country; am a coffee specialist; was employed on three plantations; was in the banana business previously; coffee for export grows at 1500 feet elevation; coffee grows at a lower level for home consumption; perhaps there are not more than 500 bags raised on the lower levels; swampy lands lie on the coast; have visited at least fifty plantations; there are 150 to 200 plantations; the swampy lands are near the coast; a lagoon backs up near San Jose; there are twenty-five miles of forest back of it; the fruit of the country is shipped to New Orleans; there is no coffee on the Atlantic side; Indian labor is used on the plantations; do not think they are contract laborers; there is no depending on the labor there; the best people eat the food of the country, but the best people do not live in the country; they are educated abroad; have never seen anybody armed there; revolvers cost too much for them to buy; a revolver costs \$50; there is a heavy penalty for carrying arms; never heard of anybody being killed except

in one case, where a woman was at the bottom of the trouble; the natives would be a dangerous people to deal with; I was not allowed to take a gun into the country; I never saw any corrugated iron houses for laborers; I understand they are treated better than in Hawaii, where they do live in barracks and are whipped with black snake whips; I have been in Reathuallo; there are no large plantations there; it is a plantation depot for the district above; there is gold in Guatemala, but it is scarce and is worth 185 to 170 premium; fevers are called under a general name, but are confined to the coast.

Cross-examination: I arrived in Honolulu on July 23; Hoogs of the ADVERTISER told me they used black snakes in Hawaii on the laborers (laughter); a gringo is an American; firearms are prohibited; did not know Prof. W. T. Brigham, but knew his son; I am not engaged in business here; am here for my health; I am not infatuated with this country.

CAPTAIN FERGUSON, recalled: Have heard Cloy's testimony; I was on the steamer Monserrat when the first lighter went ashore; I went ashore in the last lighter; met the government officers at the wharf; the families of the South Sea Islanders were not separated; I went with them to the plantations; saw them afterwards; never heard of any trouble. [Produced his credentials from the Guatemala government to act as labor agent].

MR. HARTWELL submitted no malice had been shown. That the editor of the ADVERTISER had used the usual precautions in accepting and publishing the article complained of. He held there was nothing libelous in the article per se. The testimony as to the conditions existing in Guatemala was affirmative, the testimony of the prosecution was negative. The carrying of revolvers and knives had been proved, together with the shooting of laborers. The rest of the article was matter of opinion. If Captain Ferguson was tender on these points, he was exceedingly sensitive. Captain Ferguson had not refuted Cloy's statements nor those of witnesses. Read the law of libel, and pointed out that there was no direct tendency of the alleged article to libel.

MR. CREIGHTON held that the question to be decided was whether there was sufficient probable cause to hold Mr. Johnstone for a jury trial. He submitted there was more than probable cause. [Read and commented on the article published in the ADVERTISER.] Held that Cloy's testimony was unreliable.

Judge ROBERTSON held that until the allegations of the article were proved to be true, there was cause for a libel, and therefore held the defendant for trial before the circuit court.

## SAILORS' CONCERT.

A large and enthusiastic audience attended the complimentary concert tendered the sailors of the U. S. S. Boston and Adams at the Y. M. C. A. hall Thursday. Secretary Corbett, of the association, officiated in a very satisfactory manner, being ably assisted by Mr. H. F. Wichman. The entertainment opened with a piano solo by Miss Castle, which was executed in such a manner as to merit hearty applause. Mr. Wakefield followed with a song from one of the popular operas. Mr. Wakefield was in excellent voice, and added to his already excellent reputation as a singer. The club swinging of Prof. Tuney was one of the most interesting features of the evening's entertainment and deserving of special mention. The violin solo by Mr. Posen, and the song by Miss Glade, were both well rendered and encored. The flute solo by Mr. L. Barsotti was especially well rendered and also received an encore. The entertainment was concluded with several songs by a quartette of colored sailors, which caused no end of good-natured amusement to those present. After the programme had been concluded, refreshments, consisting of ice cream and cake, were served to the sailors and others present. Captain Nelson of the Adams, and several officers of both the Boston and Adams, graced the occasion by their presence. Taken as a whole, the entertainment proved to be one of the most pleasant ever given in this city.

## Goes to Hawaii.

Mr. Curtis P. Iaukea, commissioner of crown lands, intends to leave by the next trip of the steamer Kinau to take up the leases for the Puukapu homesteads, laid out at Waimea, Hawaii. Twenty-nine applicants have applied for the fifty-three lots offered by the government. During his trip, Mr. Iaukea will execute and deliver the leases, and will distribute a quantity of seeds furnished by the bureau of agriculture and forestry. These will be apportioned among the homesteaders mentioned.

## Will Teach at Kamehameha School.

Mr. Kanuha, the young Hawaiian who recently graduated from Hampton institute, under the late Gen. S. C. Armstrong, and who lately took a course in tailoring at Wanamaker's great establishment in Philadelphia, Penn., has been appointed a teacher at the Kamehameha school, to instruct the young Hawaiians in sewing. He will also be the tailor of the school.

## CORRESPONDENCE.

## HANAIE ROAD BOARD.

A Resident of Kauai Replies to  
Complaints Made.

MR. EDITOR: Permit me to reply on behalf of the Hanalei road board to complaints made recently in the papers, by a stranger evidently.

The first complaint was concerning the little amount of actual work on the roads done by the road board. As a resident of this district, I have not seen the roads in better condition for the past fifteen years. The amounts expended on the roads are nothing in comparison with the actual work done, as witness the roads today.

The road board exists as an independent board for the benefit of the government and the taxpayers. The roads are being kept in good condition for 25 per cent. of what it formerly cost the government on such works, and with better results. The road board goes out and personally examines the kind of work being done on the roads by the men, and if not satisfied, point out the places carelessly done by them. The evils of a former road board now remain as a standing monument to travelers. The present board is composed of better men.

The second complaint was concerning the scows used in conveying passengers to and from Kalihiwai, Hanalei and Lumahai streams. These scows have been leased to the highest bidders at public auction. The road board have only re-adapted the usage of former years. It is true that the former road board made the scows free to travelers who used them in the daytime, but the present board have found that unworkable, as the appropriation for that work is nearly exhausted. After several months' trial of the free use of the scows, the present road board decided to lease them to the highest bidder as the only means of getting out of a pending trouble, as they were short of funds and the money was needed in road repairing.

The rates of fare for the use of the scow for each individual each way is 24c. horses 5c, brake 15c, wagon 25c, and bullock cart 50c. The fares are doubled at night. Clergymen, judges, and policemen are exempt from paying fares by order of road board. The rates of fare at the Waialua stream are double the rates of scows at Kalihiwai, Hanalei, and Lumahai streams. The complainant says that the daily earnings of these scows are in the neighborhood of \$15. If he pays me \$15 a week I shall let him have the lease of the scows until the present lease expires.

LUMAHAI.

Honolulu, August 13, 1893.

LETTER FROM MR. P. C.  
JONES.He Takes Occasion to Correct  
Certain Statements Made  
in the Star.

MR. EDITOR: In the Star of this evening appears an article in which my name is used, but for which I am in no way responsible. The statements made in this article are unkind and untrue, and I feel compelled to make a reply, not for my own sake, but for the sake of Messrs. W. G. Irwin & Co. The stockholders of the Reciprocity Sugar Co. have employed me to arrange its affairs, and I have had several interviews with Mr. Irwin, all of which have been of a very pleasant nature, and he has made some exceedingly liberal offers in order to arrange a settlement of this account—one of which was to wipe out \$50,000 of the amount due his firm, rather than resort to a foreclosure of the account.

If reporters would submit their writings to parties interested before publishing them, a great deal that is now written would be left unpublished and much trouble would be avoided thereby.

P. C. JONES.

Honolulu, Aug. 17, 1893.

## Letter From Mr. Von Topaz.

MR. EDITOR: The article which appeared in the Bulletin of August 16, signed "A True Russian," shows that the person knows nothing about Russia. The writer of the article should inquire at the Russian consulate if he wishes to learn whether I am a Russian or not.

I was born in St. Petersburg, and his information on the Russian calvary shows that he must have got his information from some per-

son who knew as little of the subject as he evidently does himself. As to any titles I or my family bear, that is none of his business and is not a matter for public discussion.

I am not seeking a better position, but am working for \$40 a month to secure, if possible, annexation to the United States. This I believe to be a popular, just and worthy object.

SIMON VON TOPAZ.

Honolulu, August 17, 1893.

## LACROSSE CLUB.

A Movement Being Inaugurated  
to Form One Here.

Secretary Corbett of the Y. M. C. A., in conjunction with the members of the different base ball clubs, are agitating the question of organizing a lacrosse club in this city. Much encouragement has already been received in this direction from the number of persons who have been spoken to in regard to the matter. Lacrosse is the national game of Canada and is being played to a considerable extent throughout the United States, and is proving to be a very popular form of athletic recreation.

Secretary Corbett informs the ADVERTISER that about \$100 will be required to equip the players with sticks, etc., and that he intends making a canvass among the business men of the city and ask their co-operation toward this end. The sum of \$75 has already been collected, and it is to be hoped that the remaining portion of the desired sum will be forthcoming at an early date. Mr. Corbett has consented to instruct those who may desire to learn the game of lacrosse free of charge.

## STEAMER WAIMANALO.

She Will Likely Prove to be a  
Total Wreck.

The steamer Waimanalo, owned by Captain C. Dudoit, and commanded by him, got aground at Keawanui, about four miles from Waialua on Wednesday night. The vessel did not have any cargo on board at the time of her grounding. The captain and his crew made repeated attempts to float the steamer, but they finally gave that up as hopeless. Mr. Gaspar Silva, who keeps a store at Mokuleia, about one mile from the place where the Waimanalo went ashore, telephoned at 5 o'clock Thursday afternoon that the Waimanalo was up high and dry and lying on her beam ends at low tide. Mr. Silva also affirmed that he had sailed a small schooner over the spot where the Waimanalo is now aground and crossed the coral barrier all right. He did not deem that the Waimanalo was in a very dangerous position, and at the time of telephoning he could not see anybody moving on board the steamer and he supposed that they were down below. Captain Dudoit went over to Waialua during the day and saw Deputy Sheriff Amara.

## THE OLD HARTFORD.

She May Come Here and Relieve  
the Boston.

The Washington Star of a late date says there is a probability of the old historic war ship being refitted to go to Honolulu to relieve the Boston. Commodore Hichborn says the ship would be specially valuable in those parts of the world where the docking facilities are few and costly. Her bottom is covered with copper, and she would be able to stand long confinement in Pacific waters without docking. This quality would make her a good ship to keep at a place like Honolulu, and if commissioned she will probably be sent to that important port.

## Death to Beetles.

A gentleman in Honolulu, who has been greatly troubled with carpenter beetles boring into his house, has discovered an effective remedy therefor. He soaks cotton cloth plugs in a mixture of Paris green, sugar and water, and plugs up the holes. The beetles eat the plugs in making exit or entrance, and die in the attempt from the effects of the Paris green. The gentleman mentioned says he destroyed 270 beetles in one day by this method.

The 25th batch of laborers for Hawaii, who number 1750 (1400 men and 350 women), will proceed to that country either at the end of next month or at the beginning of October.—Japan paper.

## PACIFIC LINERS.

Relative Merits of American and  
English Built Vessels.

Philip Hichborn, naval constructor, has some interesting things to say in the North American Review about the large steamers that touch at Honolulu. Regarding the City of Peking, which left this port last Wednesday, he says she is a better and much more profitable steamer than the China. The former was built in Philadelphia in 1874 and the latter in Glasgow in 1889. The City of Peking at 13 knots an hour will consume only 63 tons of coal a day, while the China at the same speed will use up 81 tons. The more modern built English boat is a way behind the American craft in point of economy of fuel.

Quoting Mr. Hichborn's lines is the following: "Taking a few instances of well-known American-built steamers, we find the Louisiana, of 2840 tons, consuming only 34 tons at a speed of 14 1/2 knots; the Mariposa, 3158 tons, burning 50 tons to make 14 1/2 knots, and the San Pablo, 3119 tons, requiring only 35 tons at 13 knots, and 40 tons to make 14 knots. Then there is the Australia, 2730 tons, a British steamer chartered for the San Francisco and Melbourne route, originally fitted with compound engines, and with a consumption of 53 tons of coal, making only 12 knots. In 1889 her engines and boilers were removed, and new triple expansion engines and boilers carrying 160 pounds, were built in San Francisco and put in the ship. With this new machinery, she is now making 14 knots on an expenditure of only 37 tons. From these examples it would appear as if American marine engine-builders have a considerable share of the knowledge of which Scotch builders claim a monopoly; while the performance of the old City of Peking would indicate that our marine engineers know more of the economics of steamship performance than the Clyde builders."—[Communicated.]

## Chinese by the Peking.

Thirty-five Chinese were landed from the steamer City of Peking last week. The customs authorities refused a landing to two Celestials, one of which had a fraudulent return certificate. The other one claimed to be a naturalized Hawaiian subject, and had naturalization papers in his possession which were proven to belong to some other person. A writ of habeas corpus was sworn out in order to get them ashore, but the papers did not arrive until the steamer had pulled away from the dock. A small boat was procured and these connected with the matter rowed out to the ship, but the captain of the steamer refused to deliver up the Chinamen, and as a consequence they are now on their way to San Francisco.

## An Aged New Yorker.

Saturday, August 12, was the anniversary of Hon. S. N. Castle's birth, when he was 85 years of age. The date was remembered by a few of his many friends, among them President Dole, who called to pay their respects to the venerable patriarch, who is one of the oldest foreigners living on these islands. Mr. Castle came to Honolulu in 1836, as the financial agent of the American Board, which position he filled for some twenty years, when he went into business with the late Amos S. Cooke, under the firm name of Castle & Cooke, which has for some years been among the leading business firms of this city engaged in the importation of merchandise and also as sugar factors.

## To Study at Chicago.

Jno. K. Waiamau, a graduate of Kamehameha school and son of Rev. J. Waiamau, pastor of Kaimakapili church, left for Chicago on the steamer Australia. For several years past he has been an assistant to Architect C. B. Ripley. It was Waiamau who made the excellent drawings of the new Sailors' home and new Masonic hall that were placed on exhibition here some time ago. Mr. Waiamau has gone to the Fair to study the collections of drawings there by eminent architects. He will be away four or five months. It is understood that Mr. C. B. Ripley will pay all his expenses.

The numerous creditors of Sam Parker have consented to a further postponement until next Thursday. If matters are not arranged satisfactorily by that time, bankruptcy proceedings will be carried out.